

Case No. 22-16252

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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**LTC (BVI) LIMITED,**  
*Plaintiff/Appellee,*

v.

**BRAUNHAGEY & BORDEN LLP,**  
*Defendant/Appellant.*

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On Appeal from the United States District Court for the Northern District of California, Case No. 4:22-cv-03481-YGR, the Honorable Yvonne G. Rogers

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**DECLARATION OF JAMES M. SCHWARZ IN SUPPORT OF  
APPELLEE'S MOTION TO TRANSFER CONSIDERATION OF  
ATTORNEYS' FEES ON APPEAL TO THE DISTRICT COURT, OR IN  
THE ALTERNATIVE, REQUEST FOR ATTORNEYS' FEES AND  
MEMORANDUM IN SUPPORT**

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**DECLARATION OF JAMES M. SCHWARZ**

I, JAMES M. SCHWARZ, declare as follows:

1. I am the Chief Operating Officer at Shartsis Friese LLP, counsel of record for Plaintiff and Appellee LTC (BVI) Limited (“Plaintiff” or “LTC”) in the above-entitled against Defendant and Appellant BraunHagey & Borden LLP. I submit this declaration in support of LTC’s Motion to Transfer Consideration of Attorneys’ Fees to the District Court, or in the alternative, Request for Attorneys’ Fees. I have personal knowledge of the facts stated herein and, if called as a witness, I could and would testify thereto under oath.

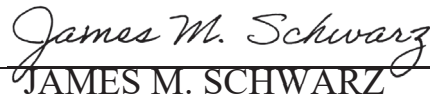
2. Among my duties as Chief Operating Officer is collecting information regarding billing rates of attorneys and legal assistants in other law firms in the San Francisco Bay Area. I use this information to inform myself and the firm regarding the billing rates of our attorneys and other timekeepers.

3. Shartsis Friese participates in and relies on a survey of San Francisco Bay Area law firm billing rates, conducted by Armanino. The Armanino survey provides information on San Francisco law firms with characteristics similar to Shartsis Friese, including the number of attorneys and areas of practice.

4. According to the Armanino survey, as of July 1, 2022, the median rate for partner time at similarly sized firms was \$793 per hour, the median rate for associate time at similarly sized firms was \$533 per hour.

5. The Armanino survey is confidential and proprietary, and for that reason it is not attached hereto. If, however, the Court orders me to provide the survey as further evidence of the average billing rates in the San Francisco Bay Area, I will comply.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 24th day of August, 2023, at San Francisco, California.

  
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JAMES M. SCHWARZ